

Removal of Mercury Switches from End-of-Life Vehicles

LSA Document #05-250

Overview

Public Law 170-2006 (HEA 1110) requires, among other things, motor vehicle recyclers in Indiana to remove mercury switches from end-of-life vehicles and recycle them under the recycling plan developed by motor vehicle manufacturers. This law also provides for payments to these motor vehicle recyclers for each mercury switch removed. This rule adds a new 329 IAC 11.5 to establish standards and procedures for payments to motor vehicle recyclers and to set the amount of the payments.

Citations Affected

329 IAC 11.5.

Affected Persons

Motor vehicle recyclers.

Reasons for the Rule

This rule is authorized by IC 13-20-17.7-7 to implement the provisions of the law.

Economic Impact of the Rule

This rule will have limited economic impact. It will provide for payments to motor vehicle recyclers for mercury switches removed from end-of-life vehicles. The number of mercury switches that will actually be removed and recycled under this program cannot be reliably estimated at this time.

Benefits of the Rule

This rule will remove a substantial number of mercury switches from end-of-life vehicles that are used as scrap metal by steel manufacturers.

Description of the Rulemaking Project

This rule would set requirements for removal, storage and disposal of mercury switches removed from end-of-life vehicles, and establish rates and procedures for payments for those mercury switches.

Scheduled Hearings

First Public Hearing: November 21, 2006

Second Public Hearing: March 20, 2007

Consideration of Factors in IC 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- 7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant, animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

There are no corresponding federal regulations.

Rulemaking Process

The first step in the rulemaking process is a first notice published in the *Indiana Register*. This includes a discussion of issues and opens a first comment period. The second notice is then published which contains the comments and the departments responses from the first comment period, a notice of first public hearing, and the draft rule. The Solid Waste Management Board holds the first public hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public hearing is held and public comments are heard. Once final adoption occurs, the rule must be approved by the Indiana Attorney and the Governor. If approved, the rule becomes effective 30 days after filing with the Secretary of State.